

VZCZCXRO9176
PP RUEHCD RUEHGD RUEHHO RUEHNG RUEHNL RUEHRD RUEHRS RUEHTM
DE RUEHMC #0182/01 1012144
ZNR UUUUU ZZH
P 102144Z APR 08
FM AMCONSUL MONTERREY
TO RUEHC/SECSTATE WASHDC PRIORITY 2835
RUEHME/AMEMBASSY MEXICO PRIORITY 3794
INFO RUEHXC/ALL US CONSULATES IN MEXICO COLLECTIVE
RUEABND/DRUG ENFORCEMENT ADMIN HQ WASHINGTON DC
RHMFIUU/FBI WASHINGTON DC
RUEFHLC/DEPT OF HOMELAND SECURITY WASHINGTON DC
RUEHMC/AMCONSUL MONTERREY 8277

UNCLAS SECTION 01 OF 03 MONTERREY 000182

SIPDIS

SIPDIS

PASS TO NORTHCOM

E.O. 12958: N/A

TAGS: [PHUM](#) [SNAR](#) [PGOV](#) [MX](#)

SUBJECT: DRUG WAR BRINGS COMPLAINTS OF ARBITRARY DETENTION; MEXICAN
MILITARY NOT INVOLVED

MONTERREY 00000182 001.2 OF 003

¶1. (SBU) Summary: The number of complaints of human rights abuses in Nuevo Leon increased substantially in 2007 according to the state human rights agency and a local NGO, and the majority of these complaints stem from alleged arbitrary detention. The alleged abuses appear to be perpetrated by state and local police, not the Mexican military pursuing the drug cartels. The State Commission has started a police training program promoting greater human rights awareness and respect. However, both the Commission and the NGO acknowledged that investigations of complaints do not lead to repercussions for security or justice officials. End Summary.

Human Rights Complaints Rise, but State Agency and NGO Differ on the Statistics

¶2. (U) The Nuevo Leon State Commission on Human Rights (CEDH) reports an increase in arbitrary detentions, but claims of torture have not increased. CEDH was founded in 1992 essentially as a chapter of Mexico's National Human Rights Commission, a semi-autonomous body that receives its funding from the Mexican government. According to Paulo Pedro Cuellar Martinez, CEDH's Public Relations Director, complaints of arbitrary detention increased by about 35% from 2006 to 2007. He reported that CEDH currently receives 11-23 complaints per month of arbitrary detention, and that the majority of these complaints are against state and local police. He also noted that many individuals are presently detained for as long as 30 days, despite Mexican law which states a person cannot be held for more than 48 hours without being charged for a crime. On the other hand, he said that complaints of torture are minimal -- about 1 per month -- compared to 1996-97 when the numbers were much higher, due to a previous intensification in the "war on drugs" at that time.

¶3. (SBU) Cuellar, and other CEDH officials, reported that the increase in complaints of arbitrary detentions is directly related to increased efforts to combat drug trafficking in the state. The current wave of police sweeps taking place in and around Monterrey has led to the arbitrary detention of many people, mostly adolescent and young adult males. CEDH officials believe this is the only negative consequence thus far of the heightened security measures at the state and local level.

¶4. (SBU) Cuellar Martinez described CEDH as a moral authority and frankly admitted that it "has no teeth" to force the authorities to change their police practices. He also noted that CEDH has an image problem because it is perceived by the public as a defender of delinquents.

15. (U) CEDH recently signed an agreement with Nuevo Leon's state police to provide police officers with human rights training. They plan to train 10% of all mid-level officers as human rights instructors, who will then train the remainder of the police force. The training consists of 3 modules and a total of 48 hours of instruction over a 3-month period. Monterrey police will be the first to receive the course in March and April. According to the Director of the Institute of Human Rights Studies and Development, the educative branch of CEDH, human rights training and workshops are part of the Institute's regular curriculum. However, this is the first time that security officials will be trained to become human rights instructors, in order to create an institutional training basis in human rights within the state's public security forces.

16. (SBU) In contrast, the NGO Citizens in Support of Human Rights (CADHAC) found that the number of probable human rights abuses trended sharply upwards in 2007, although the most serious allegations were made in connection to common crime, not operations against drug cartels. In 2006, CADHAC's investigation determined that of 199 cases received, 20% were potential human rights abuses. In the first half of 2007, CADHAC received 43 cases and determined that 50% were human rights abuses, deriving from claims of arbitrary detention and torture. In the latter half of 2007, CADHAC received 116 cases, 58% of which appeared to be cases of human rights abuses. The CADHAC figures suggest that from 2006 to 2007, the number of probable human rights abuses more than doubled. (NOTE. CADHAC is a Catholic NGO founded in 1993 that is dedicated to the promotion of human rights in Nuevo Leon. CADHAC employs seven full-time staff and some volunteers. It produces two reports per year documenting the number and type of complaints it receives and investigates. It regularly conducts prison visits to check on conditions, holds human rights workshops, and advocates on behalf of human rights victims. END NOTE.)

17. (SBU) The director of CADHAC, Sister Consuelo Morales,

MONTERREY 00000182 002.2 OF 003

confirmed that half or more of the probable human rights cases they received in 2007 involved arbitrary detention or torture, and that the majority of these were committed by state and local police. Sister Morales stated that the detentions are lasting up to 80 days now, as opposed to the 30 days reported by CEDH. Of the torture cases, the complaints cited water boarding, strangulation, and electrical shock. Poloff reviewed CADHAC files and discerned that the allegations of torture were connected to cases of common crime, such as robbery, but did not include any complaints of torture in drug cartel cases. In addition, in the latter half of 2007, CADHAC documented 26 cases of probable human rights abuses, 25% of which included complaints of torture or about 6-7 cases in all. In essence, for the six month period, there was an average of about one torture complaint per month, which tracks with CEDH's statistics.

18. (SBU) Sister Morales maintained that public authorities had proven unresponsive to complaints of human rights abuses. She noted that CEDH's hands are tied by the Attorney General's Office (PGR). She recounted an incident in 2006 in which the state attorney general publicly accused CADHAC of delaying the arrest of an alleged criminal. CADHAC responded by issuing a press release specifying the constitutional laws and judicial process the PGR was obligated to follow. According to Sister Morales, the then president of CEDH later called her and thanked her for standing up to the attorney general, adding that "the PGR has me up against the wall and I can't do anything."

19. (SBU) Unlike the state agency CEDH, CADHAC perceives that the increased security measures are leading to greater and more serious human rights abuses. Sister Morales asserted that the police sweeps being conducted are part of a strategy "to sow fear" among the public, and that Nuevo Leon may be moving towards becoming a police state. However, the cases documented in CADHAC reports do not suggest that police are torturing drug

suspects. Rather, torture is rare and involves common criminals. On the other hand, CADHAC also noted that many human rights abuses are not reported, because there is little evidence that such reports or complaints ever lead to restitution or because the victims are afraid of repercussions.

Police Have Process to Investigate Allegations; Effectiveness Unclear

¶10. (SBU) PolOff later met with Filiberto de la Garza Santos, Subsecretary of the Nuevo Leon Police, regarding how complaints of human rights abuses are handled by the police. De la Garza reported that Nuevo Leon has a separate department, similar to U.S. Internal Affairs, that investigates allegations of human rights abuses. He said they have investigated a number of cases, but did not comment on specific cases. In regards to the issue of arbitrary detentions, De la Garza reported that the number of complaints that they receive has been rising slowly, much slower than the actual number of detentions. As to the results of their investigations and whether any officials have been sanctioned on the basis of human rights abuses, De la Garza did not report the disciplining or firing of any officer. However, he noted that sometimes both the ministerial police and internal affairs investigate the same case and come to different conclusions.

¶11. (U) In one recent case, state police arbitrarily detained hundreds of people related to an attempted drug assassination. Following the attempted execution of a police sergeant in Nuevo Leon's State Security apparatus, nearly 400 people were detained. According to CADHAC, it received many complaints following the sweep from family members reporting that their relative was picked up while eating or waiting to catch a bus in the vicinity of the sweep with no evidence suggesting he/she was engaged in any suspicious criminal activity that would warrant detention. Nearly all of those detained were let go after a few days and were charged about USD \$48 (the standard fee the police department applies for release regardless of whether a charge was filed or not).

State and Local Police Focus on Gangs, Not Drug Cartels

¶12. (U) Most recent police sweeps have focused on cracking down on gangs, rather than drug cartel members. That has led to more negative media coverage and complaints from the public. In response, Aldo Fasci, Nuevo Leon's Security Secretary, recently stated that state security is taking preventative measures to reduce the potential for an increase in gang-related crimes. There are over 1500 known gangs in Nuevo Leon, and the fear is that they will become increasingly involved in drug trafficking.

MONTERREY 00000182 003.2 OF 003

Fasci added that, should there be such an increase, he did not want the public to be able to say that the police failed to take any action to prevent it. Interestingly, one recent press article regarding a police sweep that included the detention of numerous minors also noted that the sweep was in response to complaints from residents of drunkenness and disorderly behavior among youths in the neighborhood.

Mexican Military Not Involved

¶13. (SBU) Despite an increased military presence in Nuevo Leon, neither the CEDH nor CADHAC reported an increase in complaints against the military. The military has had a presence in Nuevo Leon for over a year, since Calderon sent 2,500 soldiers to Nuevo Leon and Tamaulipas in February 2007 to combat drug trafficking in the region. Instead the complaints are directed against the state and local police.

¶14. (SBU) Comment: It is clear from CEDH's and CADHAC's reports that, at the very least, the number of arbitrary detentions is increasing in Nuevo Leon. It would also appear that judicial and security officials are acting with impunity. Although the police department has a process in place to investigate complaints of human rights abuses, it is unclear whether their

investigations ever result in the disciplining of an officer. As for the recent wave of police sweeps, these appear to be for show, in order to give the impression the police are doing something substantive to fight crime, rather than a genuine effort to detain suspected members of the drug cartels. In addition, there does not yet seem to be a strong public backlash against the sweeps or detentions. Indeed, in at least one case, the police sweep was apparently prompted by residents complaining of gang activity in the neighborhood. We also disagree with CADHAC that the state and local governments are seeking to sow fear in the war on drugs, as there have been few, if any local operations against drug cartels. End Comment.

¶15. (U) This cable was cleared with U.S. Embassy Mexico.
WILLIAMSON